

IN THE CLAIMS

Please amend the claims as indicated:

1. **(Currently Amended)** A method of communication in a wireless system, the wireless system providing at least one communications path between a transmission node and a receiving node, the method comprising:

5 determining at a transmitter at the transmission node a probability of a stalling condition occurring at a receiver at the receiving node for at least one data packet in a sequence of data packets transmitted from the transmission node, the stalling condition probability being determined in relation to a state of at least one system parameter for the wireless system, the system parameter state being determinable at the transmitter; and

10 transmitting a flush command to the receiver based on the determined probability of the stalling condition, the flush command being operative to terminate the stalling condition.

2. **(Cancelled)**

3. **(Previously Presented)** The method of claim 1, wherein the at least one wireless system parameter comprises a size of the sequence of data packets, a number of repeat request processes, at least one priority for each of the number of repeat request processes, a probability of error over an uplink and a probability of error over a
5 downlink.

4. **(Previously Presented)** The method of claim 1, comprising:
estimating a wait time, prior to the transmitting of a flush command, as a function of the determined probability of the stalling condition.

5. **(Original)** The method of claim 4, wherein the step of estimating a wait time comprises:

 determining an average number of time slots for at least a first data packet prior to transmission.

6. **(Previously Presented)** The method of claim 5, wherein the step of determining an average number of waiting time slots comprises:

 queuing at least the first data packet for transmission; and

 determining if a second data packet having a lower sequential designation than
5 the first data packet has stalled.

7. **(Original)** The method of claim 6, wherein the step of transmitting a flush command comprises:

 transmitting the first data packet in response to determining the second data packet has stalled.

8. **(Original)** The method of claim 7, wherein the step of transmitting the first data packet comprises:

 determining if the second data packet is designated for a particular memory location.

9. **(Original)** The method of claim 8, wherein the particular memory location is at one end of a finite buffer.

10. **(Original)** The method of claim 1, comprising:

 transmitting a recommended range for a service time-out condition in response to the determined probability of a stalling condition.

11. **(Original)** The method of claim 10, wherein the service time-out condition corresponds with at least one of a high-speed downlink packet access service and a high-speed uplink packet access service.

12. **(Cancelled)**

13. **(Cancelled).**

14. **(Cancelled)**

15. **(Cancelled)**